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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/032,962

10/24/2001

Matthew Heidner

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08/24/2006

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EXAMINER

THALER, MICHAEL H

ART UNIT

PAPER NUMBER

3731

DATE MAILED: 08/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/032,962	HEIDNER, MATTHEW	
	Examiner	Art Unit	
	Michael Thaler	3731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,7-18 and 29-37 is/are pending in the application.
- 4a) Of the above claim(s) 7,9,10,15,17 and 18 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5,8,29 and 30 is/are allowed.
- 6) ☒ Claim(s) 11-14,16 and 31-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claims 7, 9, 10, 15, 17 and 18 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention and species, there being no allowable generic or linking claim. Election was made without traverse in the responses filed March 17, 2004 and Dec. 9, 2004.

Claims 11-14, 16 and 31-37 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Shoup et al. (5,591,129). Shoup et al. disclose balloon body 10 having an expandable region and a balloon waist (the portion of the balloon extending from reference numeral 19 to the right end of the balloon as seen in figure 12) including an annular wall having a first end (the right end), a second end (the left end), the balloon waist having a plurality of voids 26, 27 formed in the annular wall, wherein the plurality of voids are configured such that the void volume proximate the second end is greater than the void volume proximate the first end of the balloon waist. The balloon waist will have a reduced profile over a substantial portion of the balloon waist subsequent to thermal reformation. In other words, if the balloon waist shown in figure 12 is subjected to thermal reformation, the melted balloon material would inherently flow into voids 26, 27 and reduce the profile of the waist. Note that the claims are drawn to a balloon waist with

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voids rather than a method of thermal reformation. The void volume of Shoup et al. increases distally along the length of the balloon waist toward the distal end since the void volume is relatively small at the left side of a set of openings and then increases toward the distal end of the waist until it reaches a maximum at the center of the set of openings. Alternatively, it would have been obvious that the void volume of Shoup et al. increases distally along the length of the balloon waist toward the distal end for this reason. As to claim 12, the voids 26, 27 cause the material volume per unit length to decrease in the distal direction for the same reason.

Claims 1-5, 8, 29 and 30 are allowed.

Applicant's arguments filed July 10, 2006 have been fully considered but they are not persuasive. The allegation that the distance across one half of an orifice 26, 27 of Shoup et al. is not a "substantial distance" is incorrect. As seen in the figures each of the orifices 26, 27 is quite large such that it extends along a considerable distance along the length of the balloon waist. Therefore the distance across one half of an orifice 26, 27 is a substantial distance.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Thaler whose telephone number is (571)272-4704. The examiner can normally be reached Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anhtuan T. Nguyen can be reached on (571)272-4963. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

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8/17/06

A handwritten signature in black ink, appearing to read "Michael Thaler", written in a cursive style.

MICHAEL THALER
PRIMARY EXAMINER
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